

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARIO A. MANBORDE,

Plaintiff,

v.

Case No. 25-cv-10522
Honorable Linda V. Parker

GENERAL MOTORS, LLC,

Defendant.

/

**OPINION AND ORDER DENYING PLAINTIFF'S MOTION TO
ADD PLAINTIFF TO CLASS ACTION LAWSUIT (ECF NO. 10)**

Plaintiff Mario Manborde filed this action against Defendant General Motors, LLC (“GM”), alleging that GM violated the Magnuson-Moss Warranty Act, 15 U.S.C. §§ 2301-2312, and Michigan Consumer Protection Act, Mich. Comp. Laws §§ 445.901-.922. (ECF No. 9 at PageID.48.) In his amended complaint, Mr. Manborde states that he purchased a new 2016 Chevrolet Colorado from a Chevrolet dealership in Florida in November 2016. (*Id.* at PageID.52-53.) According to Mr. Manborde, he experienced issues with the vehicle’s transmission, which he claims is a defective product manufactured and sold by GM. (*Id.* at PageID.51.) He further claims that GM engaged in deceptive practice because it was aware of the defective transmission and sold him the vehicle without disclosing the defect. (*Id.* at PageID.56, 58.)

Presently before the Court is Mr. Manborde's motion to join the class action lawsuit against GM that is currently pending before United States District Court Judge David M. Lawson, *see* Amended Complaint, *Speerly v. General Motors, LLC*, No. 19-cv-11044 (E.D. Mich. September 30, 2019), ECF No. 41, as a plaintiff class member. (ECF No. 10.) For the reasons that follow, the Court denies the motion.

Mr. Manborde filed the instant motion pursuant to Federal Rule of Civil Procedure 23. (*See* ECF No. 10 at PageID.62.) Rule 23 governs class actions in federal court and outlines, *inter alia*, the prerequisites for class actions, types of class actions, certification of and notices to class members, settlements, and appeals. *See generally* Fed. R. Civ. P. 23. Rule 23 is not the proper vehicle for Mr. Manborde's request to be added as a class member to a class action lawsuit that is not pending before this Court.

The Court also notes that Mr. Manborde does not meet the criteria for class membership in the *Speerly* class action. On March 20, 2023, Judge Lawson issued an order certifying the class pursuant to Rule 23(b)(3). *Speerly v. Gen. Motors, LLC*, 343 F.R.D. 493, 526 (E.D. Mich. 2023), *leave to appeal granted sub nom. In re Gen. Motors, LLC*, No. 23-0104, 2023 WL 12074927 (6th Cir. Oct. 23, 2023), *aff'd*, 115 F.4th 680 (6th Cir. 2024), *reh'g en banc granted, opinion vacated*, 123 F.4th 840 (6th Cir. 2024). In that order, the court defined the class as individuals

who purchased various GM models released from 2015 to 2019 equipped with eight-speed automatic transmissions (i.e., 8L45 and 8L90). *Id.* at 526-30. With respect to GM's Chevrolet Colorado, the model Mr. Manborde claims he purchased, the court limited the class to include only Chevrolet Colorado models manufactured from 2017 to 2019. *Id.* As explained, Mr. Manborde's complaint involves his purchase of a 2016 Chevrolet Colorado, which falls outside the certified class.

On these facts, the Court does not find any grounds to grant Mr. Manborde's motion.

Accordingly,

IT IS ORDERED that Mr. Manborde's motion to join a pending class action lawsuit pursuant to Federal Rule of Civil Procedure 23 (ECF No. 10) is **DENIED**.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: May 22, 2025

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, May 22, 2025, by electronic and/or U.S. First Class mail.

s/Aaron Flanigan
Case Manager